

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION

JIMMY JUNIOR GRAY,)	
)	
Petitioner,)	
)	
v.)	Case No. 4:19-cv-439-KOB-GMB
)	
JEFF DUNN,)	
)	
Respondent.)	

MEMORANDUM OPINION

Petitioner filed a “Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254” demanding “relief from his unconstitutionally pronounced sentence.” Doc. 1 at 1. The magistrate judge filed a report on January 30, 2020 recommending the dismissal of the petition for writ of habeas corpus as an unauthorized second or successive petition. Doc. 8. Petitioner filed objections to this report arguing that his claims and request for relief rely on ““a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable.”” Doc. 9 at 2 (quoting 28 U.S.C. § 2244(b)(2)(A)).

Petitioner’s objections are overruled. As stated by the magistrate judge, § 2244(b)(3)(A) requires Petitioner first to move the Eleventh Circuit of Court of Appeals “for an order authorizing” this court to consider his second or successive application on the basis of the claims he desires to raise. Pursuant to

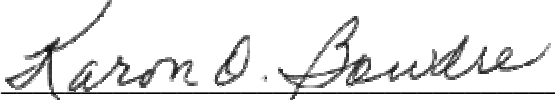
§ 2244(b)(3)(C), the Eleventh Circuit, not this court, determines whether Petitioner has made “a prima facie showing that [his] application satisfies the requirements of” § 2244(b)(2)(A).

Having carefully reviewed and considered *de novo* all of the materials in the court file, including the report and recommendation and the Petitioner’s objections, the court hereby **ADOPTS** the magistrate judge’s report and **ACCEPTS** the recommendation.

The petition for writ of habeas corpus is due to be **DISMISSED**.

The court will enter a separate Order.

DONE and **ORDERED** this 25th day of February, 2020.


KARON OWEN BOWDRE
UNITED STATES DISTRICT JUDGE